THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. No.9027 of 2005

DATED: 29.10.2007

Between:-

Arjilli Apparao.

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PETITIONER
AND

Rashtriya Ispat Nigam Limited, Visakhapatnam Limited.

...

RESPONDENTS

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.9027 of 2005

O R D E R:

Questioning the action of the respondent-Visakhapatnam Steel Plant in not providing employment to the petitioner as promised by the respondent, which is evident from R-Card issued to the petitioner, as arbitrary and illegal and for a consequential direction to the respondent to forthwith provide employment to the petitioner by appointing him in a suitable post, the present writ petition is filed.

Petitioner claims to be a person whose land was acquired in 1990 for establishing the Visakhapatnam Steel Plant. Petitioner would contend that, while he was paid nominal compensation, he along with others were issued
R-Cards for providing suitable employment under the rehabilitation scheme. Petitioner would contend that he was called upon to appear for physical test in the years 1990 and 1992 for recruitment but was not appointed. Petitioner would refer to W.P.No.5828 of 1998, filed by him along with others, wherein this Court, by order dated 11-03-1998, had directed the respondents to consider his case for appointment in accordance with the directions given by this Court in the earlier W.P.No.9370 of 1996 and batch. Petitioner would contend that his valuable land was acquired for the purpose of establishing the Steel Plant with a promise to provide suitable employment and that, except to make him run from pillar to post, he has not been provided employment till date.

Sri V.Ravinder Rao, learned Standing Counsel appearing for the respondent-Visakhapatnam Steel Plant, on the other hand,

would submit that the petitioner was called to undergo a process of selection for the post of Khalasi pursuant to the order of this Court in W.P.No.5828 of 1998, that he appeared for interview in January, 2000 and since he was found not suitable, he was not selected. Learned counsel would place reliance on the order of this Court in W.P.No.16136 of 2000 as confirmed in W.A.No.1741 of 2002 dated 26-07-2002.

This Court, in its order in W.P.No.16136 of 2000, relied on a judgment of the Supreme Court in **B.M.R.D.A., Bombay v. Gokak Patel Volkart Ltd.**[1] and of this Court in **R.Mallesu v. Regional Manager, APSRTC, Srikakulam Region**[2]**,** to hold that when the petitioner had obtained a direction from this Court to consider his case, his case was considered and he was not selected in the selection process, he could not maintain a second writ petition for the very same relief. The learned Single Judge, however, held that in view of the admission of the respondent that the petitioners were required to wait in the queue till their names were sponsored by the Employment Exchange, Gajuwaka, it was open to the petitioners to apply for any post for which he was qualified as and when the respondent notified the vacancies and that the respondent should consider the case of the petitioner if he fulfilled the requirements. This order of the learned Judge was affirmed in W.A.No.1741 of 2002 dated 26-07-2002, wherein the Division Bench noted the statement of Visakhapatnam Steel Plant that they were not in a position to accommodate any more employees let alone from the land oustees category. The Division Bench referred to its earlier order in W.A.No.900 of 2001 and held that the learned Single Judge had, rightly, held that the writ petitioners had obtained a direction from this Court to consider their cases on an earlier occasion and accordingly their cases were considered and they had not been selected in the selection process, and,

therefore, they could not maintain a second writ petition for the very same relief. The appeal filed against the order of the learned Single Judge in W.P.No.16136 of 2000 dated 02-11-2001 was dismissed.

The order of the Division Bench in W.A.No.1741 of 2002 dated 26-07-2002 is binding on this Court and, accordingly, the petitioner must be held disentitled to the relief sought for. However, as held by the learned Single Judge in W.P.No.16136 of 2000 dated 02-11-2001, it is open to the petitioner to apply for any post to which he is qualified as and when the Visakhapatnam Steel Plant notifies the vacancies and the Visakhapatnam Steel Plant shall consider his case if he fulfils the requirements.

Subject to the above observations, the Writ Petition fails and is, accordingly, dismissed. However, in the circumstances, without costs.

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29-10-2007

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[1] 1995(1) SCC 642

[2] 1999(1) ALD 190